ORDINANCE NO. 4055

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 9.02 of the Kent City code, by adding a new section 9.02.193 entitled “Possession of Graffiti Tools,” making it unlawful for any person to possess graffiti tools within the city of Kent.

RECITALS

A. Graffiti is a serious problem that is often associated with gang activity, signals an increase in crime, generates fear, is costly, lowers property values, and is economically detrimental to the citizens of the city of Kent.

B. The crime of graffiti is growing within the city and the police department needs additional tools to combat the ever increasing graffiti problems throughout the city.

C. To better meet the needs of the city, and to address specific areas of criminal conduct regulation, it is appropriate to add the current provisions dealing with possession of graffiti tools to the Kent City Code.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Amend KCC 9.02
Possession of Graffiti Tools
ORDINANCE

SECTION 1. - New Section. Section 9.02.193, entitled "Possession of Graffiti Tools," is added to the Kent City Code as follows:

A. It shall be unlawful for any person to possess graffiti tools.

B. A person possesses graffiti tools when they possess any paint, marking pen, glass-cutting tool, glass-etching tool, materials, instruments, or any other item adapted, designed or commonly used for committing or facilitating the commission of an offense involving damaging, defacing, or destroying public or private property, and they possess the item under circumstances evincing an intent to use or employ, or allow the same to be used or employed, in the commission of such an offense, or under circumstances evincing an intent that some other person will use or employ the thing possessed in the commission of such offense.

C. "Defacing" as used in subsection (B) of this section shall include, but not be limited to, the writing, painting, inscribing, drawing, scratching, cutting, etching or scribbling upon any wall or surface owned, operated or maintained by any property owner or the city unless the city or the property owner grants written permission for such writing, painting, inscribing, drawing, scratching, cutting, etching or scribbling.

D. The unlawful possession of graffiti tools is a misdemeanor.

SECTION 2. - Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Amend KCC 9.02
Possession of Graffiti Tools
SECTION 3. - Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, regulations; or ordinance numbering and section/subsection numbering.

SECTION 4. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

Suzette Cooke
SUZETTE COOKE, MAYOR

ATTEST:

Brenda Jacober
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 18 day of October, 2011.
APPROVED: 18 day of October, 2011.
PUBLISHED: 21 day of October, 2011.

I hereby certify that this is a true copy of Ordinance No. 4005 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

Brenda Jacober (SEAL)
BRENDA JACOBER, CITY CLERK

Amend KCC 9.02
Possession of Graffiti Tools